IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4322 OF 2004

Manish Dattatray Patil ... Applicant

versus

State of Maharashtra & ors. ... Respondents

...

Mr. Arfan Sait, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondents.

...

CORAM : A.M.KHANWILKAR,J.

11th October 2004

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. Saste, A.P.P., waives service for the Respondents.

. The limited grievance made in this petition is that the Respondent No. 3 has not forwarded the surety papers of the Applicant to Nasik Road Central Prison inspite of submission thereof on 1st October 2004. Insofar as that

grievance is concerned, the same seems to be reasonable. There is no reason why Respondent No. 3 can retain the papers at his level instead of forwarding the same to the appropriate authority for its consideration. Inaction of this nature in turn violates statutory rights available to the Petitioner. Accordingly, the petition should succeed in terms of prayer clause (a) by directing Respondent No. 3 to forthwith forward the papers to the appropriate authority. This order be communicated to Respondent No. 3 by the Office of the Public Prosecutor, High Court, Bombay, on fax/telex or wireless as may be advised, having regard to the urgency.

. Insofar as prayer clause (b) is concerned, directing release of the Applicant on parole leave, that will have to be considered by the appropriate authority on receipt of the relevant papers. The appropriate authority is expected to decide the same as expeditiously as possible having regard to the urgency stated by the Petitioner.

. Petition disposed of on the above terms.

. Parties to act on the authenticated copy of this order.